



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: April 12, 2010

CBCA 1935

HABITAT CONCEPTS, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Peter B. Ford of Theodore P. Watson & Associates, LLC, Denver, CO, counsel for Appellant.

Daniel B. Rosenbluth, Office of the General Counsel, Department of Agriculture, Golden, CO, counsel for Respondent.

GILMORE, Board Judge.

ORDER

On March 19, 2010, appellant filed an appeal because the contracting officer failed to issue a final decision. Appellant requested that the dispute be resolved utilizing alternative dispute resolution procedures, specifically a binding advisory opinion. However, on April 7, 2010, appellant filed a motion to withdraw its notice of appeal, stating that the parties have entered into negotiations in an effort to resolve the dispute surrounding appellant's claim. Respondent advised that it does not object to the motion.

Accordingly, the appeal is **DISMISSED**.

BERYL S. GILMORE
Board Judge